

1 REMARKS

2 Status of the Claims

3 Claims 1-11 and 32-50 are pending in the present application, Claims 12-31 and 51-69 having  
4 been canceled in the present amendment, as non-elected claims in response to a restriction requirement  
5 previously issued by the Examiner. No other amendment has been made.

6 Rejection of Claims 1-8 and 10-11

7 The Examiner has rejected Claims 1-8 and 10-11 under 35 U.S.C. § 102(e) as being anticipated  
8 by Call (United States Patent No. 6,488,900; referred to hereafter as the '900 patent). The Examiner  
9 asserts that the '900 patent discloses but does not claim the same invention. The Examiner notes that such  
10 a rejection can be overcome by filing a document indicating common inventorship between the present  
11 application and the '900 patent.

12 While applicants understand that this rejection could be obviated by filing a document asserting  
13 common inventorship, applicants do not agree with the Examiner's conclusion that the present invention  
14 was described in the '900 patent, and therefore choose to traverse the rejection. Claim 1 specifically  
15 recites "a thermal treatment zone in fluid communication with said plurality of untreated fluid channels  
16 and with said plurality of treated fluid channels, so that the untreated fluid enters said thermal treatment  
17 zone through said plurality of untreated fluid channels, and the treated fluid exits said thermal treatment  
18 zone through said plurality of treated fluid channels, said thermal treatment zone *being integral to said*  
19 *plurality of untreated fluid channels and to said plurality of treated fluid channels*" (emphasis added).  
20 Significantly, as indicated by the emphasis added in the preceding quote, the thermal treatment zone is  
21 thus integral to both the plurality of untreated fluid channels and the plurality of treated fluid channels.

22 The '900 patent discloses a counter flow heat exchanger including treated and untreated fluid  
23 channels, the counter flow heat exchanger being disposed adjacent to a reaction chamber (thermal  
24 reactor 200) that includes a heat source, but *only* untreated fluid channels (i.e., plurality of reaction  
25 channels 220). The '900 patent discloses that the thermal treatment occurs in a plurality of reaction  
26 channels 220 that are integral to thermal reactor 200. Thus, the thermal treatment zone described in the  
27 '900 patent is not integral to *both* the treated fluid channels and the untreated fluid channels, but only to  
28 the untreated fluid channels. In contrast, Claim 1 of the present invention recites a thermal treatment zone  
29 that is integral to *both* the alternating treated fluid channels and the untreated fluid channels. The  
30 structure disclosed in the '900 patent is not equivalent to the structure defined in Claim 1 of the present

1 application. Accordingly, the rejection of Claims 1-8 and 10-11 as being anticipated by the '900 patent  
2 should be withdrawn. Further, it will be apparent that there is no suggestion in the cited art of the  
3 configuration claimed in the claims of this application, so that the claimed invention is also not obvious in  
4 view of the art.

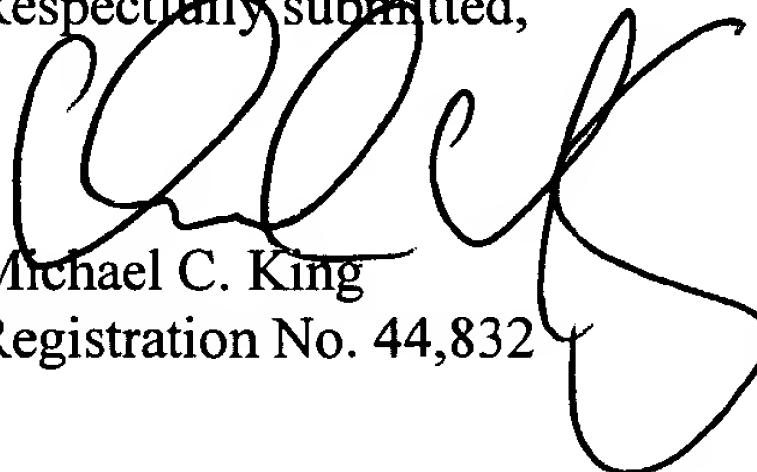
5 Rejection of Claim 9

6 The Examiner has rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over the '900  
7 patent in view of U.S. Patent No. 5,552,051 (Wang). The Examiner asserts that the '900 patent discloses  
8 each element of the claimed invention except for a condenser, and that Wang teaches that a condenser can  
9 be used to remove condensable compounds from a gas. The Examiner concludes that it would have been  
10 obvious to include Wang's condenser in the air purifier disclosed in the '900 patent, in order to achieve  
11 the removal of additional contaminants.

12 As discussed in detail above, the present invention as defined in Claim 1 is patentably  
13 distinguishable over the air purifier described in the '900 patent, because in the present claimed invention,  
14 the thermal treatment zone is integral to both the treated and untreated fluid channels. Because each  
15 dependent claim is patentable for at least the same reasons as the claims from which it depends, Claim 9  
16 is patentable for at least the same reasons as Claim 1. Accordingly, the rejection of Claim 9 as being  
17 obvious over the '900 patent in view of Wang should be withdrawn.

18 In consideration of the preceding remarks and the cancellation of the withdrawn claims, it is  
19 apparent that all claims remaining in the present invention define a novel and non-obvious invention.  
20 Therefore, the Examiner is requested to pass this case to issue at an early date. In the event that any  
21 further questions remain, the Examiner is requested to telephone applicants' attorney at the number listed  
22 below.

23 Respectfully submitted,

24   
25 Michael C. King  
26 Registration No. 44,832

27 MCK/RMA:lrg

28 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed  
29 envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents,  
30 Alexandria, VA 22313-1450, on November 18, 2004.

Date: November 18, 2004

